

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:19-CV-00042-BR

**Natural Blend Vegetable Dehydration,
LLC,**

Plaintiff,

v.

Industrial Silosource, Inc., et. al,

Defendants.

Order

Based upon the filing at Docket Entry 41, it appears that the Plaintiff has decided to dismiss its claims against SIA Group, Inc., the sole remaining defendant. Thus, SIA's Motion to Compel (D.E. 39) is denied without prejudice.

The court notes that Docket Entry 41 is styled as a Notice of Voluntary Dismissal and refers to Rule 41 of the North Carolina Rules of Civil Procedure. The Notice is not signed by SIA's counsel.

Under the Federal Rules of Civil Procedure, at this point in the case, a party may only dismiss an action by filing "a stipulation of dismiss signed by all parties" or by receiving leave of court. Fed. R. Civ. P. 41(a). Plaintiff's counsel should file the appropriate document to dismiss SIA from this case if that was the intent of Docket Entry 41.

Dated: June 29, 2020



Robert T. Numbers, II
United States Magistrate Judge